City of Ithaca, New York

COMMUNITY DEVELOPMENT/
URBAN RENEWAL PLAN

Enacted: 1975
Amended: 2001
Community Development/Urban Renewal Plan, City of Ithaca, NY

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CHAPTER I – DESCRIPTION OF PROJECT

As shown on the amended Community Development/Urban Renewal Project Boundary Map, adopted March 7, 2001 by the City of Ithaca Common Council, the Community Development/Urban Renewal Project (the “project”) is bounded and described as follows:

All that tract or parcel of land situated in the City of Ithaca, County of Tompkins, State of New York, as follows:

Beginning 200 feet North East of the point where Cascadilla Creek meets the Cayuga Inlet, thence (1) northerly along the eastern shore of the Cayuga inlet, 200 feet east of the Cayuga inlet normal high-watermark to Fall Creek, thence (2) northwesterly along the normal high-watermark of the mouth of Fall Creek to the point where it enters Cayuga Lake, thence (3) southerly along the northeastern high-watermark at the entrance to the Treman Marina, thence (4) southerly along the western shore of the Cayuga Inlet to the Flood Control Channel, continuing southerly along the western shore of the Flood Control Channel to the point where the southerly point of the parcel of land indicated on the Tompkins County Assessment Maps as parcel 42-2-3.2, thence (5) northerly along the western line of said parcel 42-2-3.2, thence (6) continuing northerly along the western boundary of a strip of land reported to be owned by New York State Electric and Gas known as parcel 22-1-1.3 on County Assessment Maps to the point where said parcel 22-1-1.3 meets the southwest corner of a parcel 21-4-3, thence (7) northerly along the western boundary of parcel 22-1-1.3 to the northwest corner, said parcel reportedly owned by NYS Parks and Recreation, thence (8) westerly along the northern boundaries of parcels 4-2-4, 4-2-3, 4-2-2.2, 4-2-2.1 4-2-1, thence (9) westerly to the northeast corner of parcel 3-3-3, continuing westerly, along the northern boundary of parcel 3-3-3, thence (10) south westerly along the west property line of said parcel 3-3-3 to the northermost corner of parcel 3-2-3, continuing southeasterly along the northeast border of said parcel 3-2-3, to the northeast corner of parcel 3-2-4, thence (11) easterly to the northwest corner of parcel 4-1-1.1, continuing along the northern boundary of said parcel 4-1-1.1 to the northeast corner, thence (12) southerly, along the western border of parcel 4-1-1.2, thence (13) continuing southerly to the northwest corner of parcel 4-1-2.2, continuing along the western boundary of said parcel 4-2-2.2, 4-1-3, 18-2-9, 18-2-8.1, 18-2-7, 18-2-6, 21-3-2, 21-3-3, 21-3-4, 21-3-5, thence (14) to the northermost point of parcel 38-2-2, thence (15) southerly to the northermost corner of parcel 38-2-25, and continuing southerly along the northwestern boundary of said parcel 38-2-5 to the eastern edge of Hector Street, thence (16) southerly along the western boundary of Hector Street to the northern boundary of Sunrise Road, thence (17) westerly along Sunrise Road to Chestnut Street, thence (18) southerly along the western boundary of Chestnut Street to Elm Street, thence (19) southwest along the southern boundary of Elm Street to the City line, thence (20) southerly along the City line, and continuing along the City line to the southermost point of the City, thence (21) continuing northeasterly along the City line, said line being at this point coterminous with the Lehigh Valley Railroad to the point where the Lehigh Valley Railroad, and continuing along the City line until to the southermost corner of parcel 113-5-2, reportedly owned by New York State Electric and Gas, thence, (22) along the eastern
boundary of Hudson street to Renzetti Place, thence (23) along the northern boundary of Renzetti Place to the southernmost corner of parcel 91-2-7, thence (24) to the point at the intersection of the western boundary of parcel 91-3-8 and the eastern boundary of parcel 91-4-1, thence (25) following the boundary of said parcel 91-4-1 to the northwest corner of parcel 90-3-1.2, and continuing along the western boundary of said parcel 90-3-1.2, 90-3-1.1, 108-3-1, 108-3-2 and 108-3-3, to the City line thence (26) easterly along the City line to the western bank of Six Mile Creek to Giles Street, thence (27) following the western boundary of Water Street to its intersection with East State Street, thence (28) northwesterly along the northeast boundary of East State Street to Dunmore Street, thence (29) easterly along the northern boundary of Dunmore Street to Brandon Place, thence (30) northwesterly along the western boundary of Brandon Place to Mitchell Street, thence (31) easterly along the northern boundary of Mitchell Street to Delaware Avenue, thence (32) northerly along the western boundary of Delaware Avenue to Bryant Avenue, thence (33) northerly along the western boundary of Bryant Avenue to Dryden Road, thence (34) easterly along the northern boundary of Dryden Road to Elmwood Avenue, thence (35) northerly along the western boundary of Elmwood Avenue to Oak Avenue, thence (36) westerly along the southern boundary of Oak Avenue to the point where it meets College Avenue and Cascadilla Creek to Linn Street, thence (37) westerly along the northern bank of Cascadilla Creek to Linn Street, thence (38) northerly to University Avenue and continuing along the eastern boundary of University Avenue and continuing along the southeastern boundary of Willard Way to North Willard Way, to the southeast corner of parcel 11-3-3, reported to be owned by Ithaca Religious Society of Friends, thence (39) along the western boundary of said parcel 11-3-3 to Fall Creek, thence (40) crossing directly north to the northern bank of Fall Creek, and following said northern bank of Fall Creek to the intersection of Fall Creek and parcel 13-1-1, reportedly owned by the Norfolk Southern Railroad to the northeast corner of parcel 16-1-3, reported to be owned by the City of Ithaca and known as the DPW Facilities, thence (41) east along the southern boundary of Pier Road, to the point of beginning.
Map #1

Community Development/Urban Renewal Project Boundary Map
As amended 3/7/01
CHAPTER II – URBAN RENEWAL OBJECTIVES AND PROPOSED ACTIONS

Section A – Introduction

The designated areas of Ithaca (Map No. 1) have been identified as areas appropriate for action by the Community Renewal Program completed in 1972. The 1975-1976 Community Development Program has identified a large portion of the area, the Northside and Southside, as target areas for community development activities.

The Northside, Southside, Fall Creek, West Hill, South Hill, and East Hill areas are primarily residential neighborhoods of wood frame structures predominantly ranging in age from 50-100 years. The neighborhoods are fairly stable, but face the distinct possibility of deterioration. In fact, some early signs of neighborhood deterioration are already evident in scattered areas throughout the Project Area.

In addition, portions of the Project Area, particularly but not exclusively the Inlet area and the Southwest area, are undeveloped and, where development has occurred, are haphazardly developed with incompatible land uses and have been identified by planning studies as areas of concern. These areas should be developed in an orderly fashion yielding the highest and best use of the land. The Collegetown area which services the university community has been somewhat neglected and is in need of both public and private investment.

The primary objective of this Urban Renewal Plan (the “Plan”) is to provide a mechanism for improving the social and physical characteristics of the project neighborhoods, through appropriate public actions and commitments as specified herein. Expenditure of funds will primarily involve, but will not be limited to, the Community Development funds received by the City of Ithaca. In order to achieve the objectives of this Plan, the Ithaca Urban Renewal Agency (the “Agency”) shall undertake the urban renewal actions specified in this Plan as the local public agency as provided for under Article XVIII of the Constitution of the State of New York, Articles 15 and 15(a) of the General Municipal Law of the State of New York, and all laws supplementary and amendatory thereto.
Section B – Urban Renewal Objectives

More specifically, the objectives of this Plan are:

1. improvement of the residential environment through a program of redevelopment, rehabilitation, conservation, and new construction to assure every family in Ithaca a decent home within its economic means;

2. assurance to all residents of the opportunity to choose from an adequate range of housing types and neighborhoods;

3. concentration of initial renewal efforts in those residential areas with the most critical and urgent needs;

4. clearance or rehabilitation of all substandard housing units;

5. sensitive relocation of families displaced by renewal projects to insure every family’s relocation into a standard replacement dwelling unit within its means;

6. provision of a replacement housing supply with a rental structure that would allow low- and moderate-income families to obtain adequate housing without paying an excessive portion of their income for rent, through the use of both non-profit quasi-public and public authorities;

7. expansion and diversification of the economic base of the community to provide the employment opportunities needed by its residents and to strengthen the tax base;

8. provision of the full range of neighborhood and community facilities and services necessary to meet the residents’ needs, through new construction or improvement of existing facilities and programs;

9. development of design concepts and standards to make the city a more attractive and pleasant place in which to live;

10. in each stage of the program, solution of the problems in that stage and anticipation of problems which are expected to arise in subsequent stages;

11. inclusion, in the planning of improvement programs, of the residents in the neighborhoods to be affected by such programs;

12. preservation of the physical environment which is of either historic or architectural significance;

13. protection of the natural environment within the Project Area;
Section C – Urban Renewal Actions

The urban renewal actions to be undertaken in the Project Area will consist of the following:

1. The Plan does not provide for any immediate acquisition of any properties. The future acquisition of any property in the Project Area will be designated by Common Council, including city-owned land acquired through donation and abandonment of public rights-of-way.

2. Assistance in the relocation of businesses, families, and individuals displaced by Project activities.

3. The demolition or rehabilitation of any structures acquired pursuant to Paragraph 1 above.

4. The installation of public improvements such as new or reconstructed streets, sewers, water lines, trees, shrubs and flowers, sidewalks, recreation areas, and lighting as required to accomplish the objectives of this Plan.

5. The disposition or retention of project land acquired pursuant to Paragraph 1 above, for new private and public uses in accordance with the provisions of this Plan.

6. Support of the rehabilitation of residences by the making of loans and grants as provided for in the Community Development Application.

7. Assistance in the provision of publicly owned community facilities by making such repairs as may be deemed necessary by the Agency to such facilities.

8. The acquisition of and as provided in Paragraph 1 above for the purposes of parks, housing, community facilities, or other development as may be deemed desirable by the Agency.

9. The administration of a loan fund through the Agency or a third party, for the purpose of preserving publicly and privately owned structures of historic or architectural significance.

10. The undertaking of other projects as may be specified in the 1975-1976 Community Development Application and future Community Development Applications prepared by the City.
Section D – Proposed Time Schedule for Effectuation of the Plan

The Urban Renewal Actions set forth in Chapter II, Section C of this Plan shall commence upon the adoption of this Plan and shall be completed within six years from the date of such adoption.
CHAPTER III – LAND USES

Land uses permitted within the Project Area are indicated on the attached Land Use Plan (Map No. 2). This Land Use Plan is in conformance with the Zoning Map of the City of Ithaca, and said Map is hereby adopted by reference for any uses within the Project Area.
CHAPTER IV – PROPERTY REHABILITATION STANDARDS

With respect to existing properties in the Project Area which have been classified as substandard or deteriorating and which are conditionally designated not to be acquired, all provisions of the Zoning Code, Building Code, Housing Code, Fire Code, and Plumbing Code of the City of Ithaca, and the Land Use Plan of this Project, relating to the safety structural soundness, sanitation, and maintenance of properties are hereby incorporated by reference in this Plan. Such provisions shall be applied and enforced with respect to all properties so classified and designated.
CHAPTER V – URBAN RENEWAL PROCEDURES AND PROPOSALS

Section A – Land Acquisition Procedures

Common Council will designate any land to be acquired by the Agency, provided such acquisition is necessary to carry out the objectives of this Plan.

Section B – Procedures to be Followed for Existing Properties Not to be Acquired

Upon adoption of this Plan by the Common Council of the City of Ithaca, the following procedures shall be followed with respect to existing properties in the Project Area which have been determined to be substandard or deteriorating and which are not designated for acquisition:

1. All structures which are found to be in violation of the Property Rehabilitation Standards of the Plan based on a code enforcement program to be undertaken by the City, but not designated for acquisition by the Agency will be inspected by the appropriate enforcing agency (agencies) of the City of Ithaca.

2. The agency (agencies) shall issue a Memorandum of Deficiencies, setting forth violations of the Property Rehabilitation Standards of this Plan to the responsible party.

3. Each property owner shall, during the ninety days following receipt of the Memorandum of Deficiencies, have the opportunity to notify, in writing, the responsible agency (agencies) of the City of Ithaca of their willingness to (a) rehabilitate their property in accordance with the Property Rehabilitation Standards contained in this Plan, and (b) maintain the respective existing general uses of such properties: provided, however, that in the even of any major change in the structures undertaken while this Plan is in effect, the use of any such property shall conform to the Land Use Regulations set forth in this Plan. Properties within the Project Area designated as substandard will not be acquired provided that the owner undertakes rehabilitation in conformance with this Plan and with such State and local laws as may be applicable.

4. Those properties which are not rehabilitated in conformance with property rehabilitation standards of this Plan will be subject to acquisition by the Agency.

5. Upon the acquisition of such properties, the Agency will either:
   (a) demolish the structure or structures thereon, and dispose of the land for redevelopment at fair value for users in accordance with this Plan; or
   (b) sell or lease the property at its fair value, subject to rehabilitation in conformance with the Property Rehabilitation Standards and the objectives of this Plan.
Section C – Procedures for Review of Development Plans

With respect to all land in the Project Area which is disposed of or retained for new private or public development, development plans and designs, including landscaping plans, shall be submitted to the Agency for review and approval as to their consistency with the renewal and design objectives of this Plan, prior to the issuance of building permits. Prior to Agency approval, all plans shall be submitted to the Planning & Development Board for its review and comment.

Section D – Obligations of Redevelopers

When land in the Project Area is sold or leased by the Agency, the purchasers or lessees and their successors and assigns shall be obligated by the terms of the contract and by covenants set forth in the deed which shall run with the land: (a) to devote such land to the uses and to be governed by the Land Use Regulations and controls set forth in this Plan; (b) to begin and complete the construction of the improvements on such land within a reasonable time as established by appropriate provisions in the instrument of sale or lease; and (c) to not sell land acquired from the Agency prior to completion of the improvements thereon without the consent of the Agency.
CHAPTER VI – ANTI-DISCRIMINATION AND AFFIRMATIVE ACTION

Section A – Anti-Discrimination

There shall be appropriate covenants running with the land as required by federal and State statutes, rules and regulations or as desired by the Agency with respect to the prohibition of discrimination of the sale, lease, occupancy, or use of any real property in the Project Area on the basis of race, color, creed, age, sex, and national origin.

Section B – Affirmative Action

Any developer or contractor must provide assurance that they have complied with the Affirmative Action Statement of the City of Ithaca and must satisfy the Agency that appropriate non-discrimination actions have been taken and that appropriate non-discrimination clauses have been included in all contracts relating to the Project Area.
CHAPTER VII – PROCEDURE FOR AMENDING THE URBAN RENEWAL PLAN

This Plan may be amended at any time by the Common Council of the City of Ithaca by majority vote. Any annual Community Development Block Grant application or amendment thereto shall constitute an amendment to this Plan.

A public hearing must be held by the Common Council if a major amendment is proposed to be made to this Plan. For the purposes of this Plan, major amendments shall be deemed to be a change in the land uses or building requirements set forth in Chapter III of this Plan, or the acquisition of land by the Agency.
MAP #2

LAND USE MAP

The Land Use Plan is
the current Zoning Map
of the City of Ithaca.
CITY OF ITHACA COMMON COUNCIL RESOLUTION:

RESOLUTION – URBAN RENEWAL PLAN: By Alderman Jones: seconded by Alderman Hamlin

WHEREAS, in order utilize the Ithaca Urban Renewal Agency to undertake Community Development activities it is necessary to prepare a new urban renewal plan known as the Community Development/Urban Renewal Plan, and

WHEREAS, this Common Council has made appropriate preliminary findings, has caused the Plan to be prepared, and has held a public hearing,

THEREFORE, BE IT RESOLVED, That this Common Council approves the Community Development/Urban Renewal Plan with the modification recommended by the Board of Planning and Development, and

FURTHERMORE, BE IT RESOLVED, That this Common Counsel makes the following findings:

1) The area designated is in danger of becoming a substandard or unsanitary area and tends to arrest or impair the sound growth and development of the City of Ithaca.

2) The financial aid to be provided through federal Community Development or other available funding is necessary to enable the project to be undertaken in accordance with the Plan.

3) The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program.

4) The Plan conforms to the General Plan for the development of the municipality as a whole.

5) Although no relocation is presently contemplated, there is adequate provision within the City for any minor relocation that may become necessary.

FURTHERMORE, BE IT RESOLVED, That this Common Council find that the carrying out of the urban renewal activities in steps as funding becomes available is in the best public interest and will not cause any additional or increased hardship to the residents of the area.

Carried Unanimously.
COMMUNITY DEVELOPMENT/URBAN RENEWAL PLAN
(ADOPTED 1975)

RESOLUTION (adopted 1975)

Whereas, The City of Ithaca has been authorized $1.7 million in Community Development funds and has prepared an application for $426,000 for 1975-76, and

Whereas, the Community Development program is modeled after the Community Renewal Program prepared for the City of Ithaca in 1972, and

Whereas, the Ithaca Urban Renewal Agency upon completion of Project Number I, will be directed by the Mayor and Common Council to implement the Community Development program, and

Whereas, an Urban Renewal Plan must be prepared in order for the Urban Renewal Agency to undertake this implementation, and

Whereas, such Urban Renewal activities will assist in the efficient use of Community Development funds for projects as approved by Common Council, and

Whereas, Common Council must initiate the preparation of the Urban Renewal Plan by the making of certain findings and recommendations, therefore be it

RESOLVED, that the Common Council of the City of Ithaca hereby designates the portion of the City indicated on the attached map, such area basically coterminous with the Community Renewal Program area boundaries, as suitable for urban renewal action, under the basic philosophy of the Community Renewal Program, and furthermore, be it

RESOLVED, that Common Council finds the above-mentioned area as blighted on a scattered area wide basis, based on the Community Renewal Program survey of 1972 which found approximately 30% of the dwelling units to be deficient, poor, or very poor condition, and based on other environmental factors such as incompatible land uses, visual blight, unhealthy conditions, and other factors which make the residential environment of the designated area less than ideal.
Resolution (adopted March 7, 2001)

AMENDMENT TO URBAN RENEWAL PROJECT BOUNDARY MAP

By Alderperson Hershey: Seconded by Alderperson Pryor

Whereas, the Community Development/Urban Renewal Plan (Urban Renewal Plan) adopted by the Common Council in 1975 provides a legal basis for implementing urban renewal and community development activities of the Ithaca Urban Renewal Agency (IURA), and

Whereas, the Urban Renewal Plan includes a Community Development/Urban Renewal Project Boundary Map (Project Boundary Map) that defines the project area where the IURA is authorized to undertake urban renewal and community development activities, and

Whereas, the Urban Renewal Plan found that areas within the Project Boundary Map designated for urban renewal activities are substandard, insanitary or blighted as defined by the community, and

Whereas, the term “substandard, insanitary or blighted” is defined in the Urban Renewal Plan to include but not only deteriorated housing, but also incompatible land use, visual blight, inappropriate land uses, and other criteria which make for a less than acceptable neighborhood, and

Whereas, the IURA recognizes that neighborhood conditions have changed since 1975 and desires to amend the Urban Renewal Plan to reflect current neighborhood conditions, and

Whereas, the Urban Renewal Plan may be amended by a majority vote of the Common Council, and

Whereas, the IURA considered the legal criteria for areas to be included in the Urban Renewal Plan and considered the following amendments to the Project Boundary Map shown on the attached 12/19/00 map entitled “Proposed Amendments, 12/19/00, to the Community Development/Urban Renewal Project Boundary Map:"

1. Delete west side of Hector Street on West Hill
2. Add South Hill area west of Hudson Street
3. Add Cliff Street corridor on West Hill
4. Add area east of Chestnut Street on West Hill
5. Add area west of University and extending to north of Fall Creek
6. Add waterfront areas along Cascadilla Creek and the Cayuga Inlet, and
Whereas, at their 1/23/01 meeting, the IURA recommended that the Common Council approve the above proposed Project Boundary Map amendments shown on the attached 12/19/00 map and adopt appropriate amendments to the Community Development/Urban Renewal Plan to implement adoption of the revised Project Boundary Map, and

RESOLVED, that the Common Council hereby adopts the Project Boundary Map amendments shown on the attached map entitled “Proposed Amendments, 12/19/00, to the Community Development/Urban Renewal Project Boundary Map,” and further adopts amendments to the Community Development/Urban Renewal Plan, to implement adoption of the revised Project Boundary Map, such as adding a metes and bounds description of the amended map.
BUILDING CONDITIONS

In order to undertake Urban Renewal action, it is required that both Common Council and the Planning Board make findings that the area to be designated for urban renewal is substandard or insanitary, or blighted, based on criteria established by the community itself. Substandard, insanitary, or blighted, includes not only deteriorated housing, but also incompatible land use, visual blight, inappropriate land uses, and other criteria which make for a less than acceptable residential neighborhood.

For the purposes of the Community Development-Urban Renewal Plan, this finding can be readily made based on the 1972 Community Renewal Program, Survey of Building Conditions. This Survey consisted of a sample exterior survey with a sample interior survey. The following results for the areas of the Project Area which were included in the CRP area are published in the CRP Technical Report.

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<th>Dwelling Units; Exterior; Percent Poor, Very Poor</th>
<th>Total Survey Exterior</th>
<th>%</th>
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This indicates that based on the CRP sample, approximately 30% of the dwelling units in the CRP area are in poor or very poor condition. This alone would be adequate to make the blight finding.

In addition, two areas have been added to the CRP areas to complete the Urban Renewal Project Area. These two areas are the Inlet Area, and West Village Area. Based on the Condition of Structures map prepared from the same building information, the Inlet Area has 10 buildings (50%) poor or very poor, and the West Village Area has 1 (6%) poor or very poor.

Also within the project area are many incompatible land uses, where residential areas are being encroached upon by industrial and commercial uses. This is true, for instance, in the Spencer Road area. Other environmental deficiencies also exist within the Project Area.

Based on the above evidence, the Community Development Agency feels there is sufficient evidence to make the find that, on an areawide basis, the Project Area is blighted, and therefore suitable for urban renewal.
RESOLUTION

Whereas, The proposed Community Development/Urban Renewal Plan has been referred to the Planning Board for a public hearing and appropriate comments, and

Whereas, A public hearing was held at the July 1975 meeting of the Planning Board,

Therefore, Be It Resolved, That the Planning Board certifies that the Plan is in conformance with the comprehensive plan for the development of the community as a whole and meets the requirement of Section 502-7 of Article 15 of the New York State General Municipal Law, and

Furthermore, Be It Resolved, That the Planning Board certifies that the Plan is in conformance with Section 504 of article 15 of the New York State General Municipal Law and the area designated for urban renewal is blighted in an area-wide basis and appropriate for urban renewal, and

Furthermore, Be It Resolved, That the Planning Board gives its qualified approval of the Community Development/Urban Renewal Plan with the following recommended modification:

1) In Chapter V, Section C, entitled “Procedures for Review of Development Plans”, the following sentence shall be added:

“Prior to Agency approval, all plans shall be submitted to the Planning Board for its review and comment.”
MEMORANDUM

TO:                  Common Council

FROM:            Department of Planning and Development

RE:                   Community Development/Urban Renewal Plan

DATE:             November 5, 1975

In order to implement the Community Development Program utilizing the Urban Renewal Agency it is necessary for Common Council to approve a new urban renewal plan. This plan, known as the Community Development/Urban Renewal Plan has been prepared by the Department of Planning and Development and approved by the Community Development Commission and the Board of Planning and Development. The Plan has been prepared as a non-assisted urban renewal project under Article 15 of the New York State General Municipal Law.

Common Council has already taken preliminary action regarding this plan. At its June 11, 1975 meeting, Council found the proposed urban renewal area to be blighted on an areawide basis. This was the first step in the process of developing and approving the Plan.

The Board of Planning and Development has held a required public hearing and, according to requirements under New York State law, has approved the Plan with one modification. The Board has changed the Plan to give both the Board and the Urban Renewal Agency the right of review over development done pursuant to the Plan.

It is now up to Common Council to hold a public hearing and subsequently act on the Plan. The Common Council may take action the same day on which it holds the public hearing, or may defer action to a later date.

Common Council can approve the Plan by a majority vote if it accepts the Board of Planning and Development’s modification. If Council wishes to approve the Plan without the Board’s modification, a three-fourths vote is required.

If Council approve the Plan, it must also find by resolution that:

1) The area is in danger of becoming substandard and tends to impair the sound growth and development of the municipality.
2) Available financial aid is necessary to undertake the project.
3) The Plan affords maximum opportunity for participation of the private sector.
4) The Plan conforms to the City’s general plan.
5) Any necessary relocation can be accommodated.
6) The carrying out of this project is in the best interests of the community.